

**CAMILLE M. ABATE, ESQ.
ATTORNEY AT LAW**

Of Counsel, Nicholas Goodman & Associates
333 Park Avenue South, Suite 3A, New York, NY 10010
TEL: (212) 227-9003 • FAX: (212) 937-2112

June 27, 2022

VIA EMAIL AND ECF

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

**Re: Request for Extension of Time to File Motions
USA v. Phillips, 21 MJ 4062 (MWP)**

Dear Judge Payson:

Motions are currently due to be filed on July 1, 2022. I write to respectfully request an extension of time to file motions until August 1.

The reason for this request is that on May 21, 2022, my husband was in a near fatal car accident. He suffered eight fractures (three ribs, the sternum, right elbow, maxillary bone, orbital bone, and nasal fractures) and was hospitalized for several days; when he returned home he needed round the clock care.

When I finally returned to work on June 6, I was badly behind on preparation for the criminal trial before the Honorable Judge Cote on June 13. All of my energy was put into preparing for that trial, which ended last week. My next trial commences on July 11, 2022. Had I not lost so much time after May 21, I would not be so far behind. I believe that after this next trial, which should be relatively short, I will be able to finish the pretrial motions in the instant case.

For these reasons, I respectfully request an extension of time until August 1 to file motions in this case. I consent to the exclusion of time under the Speedy Trial Act. I have spoken to AUSA Kyle Rossi, and he consents to the extension of time.

Sincerely,

s/s Camille M. Abate, Esq.

cc: AUSA Kyle Rossi (via ECF)

Request granted. Defendant's motions shall be filed by 8/1/22; the government's response by 8/15/22; oral argument shall be held on 8/23/22 at 11:30 am. Time is excluded under 18 U.S.C. Section 3161(h)(7) in the interests of justice between today and 8/1/22 in order to ensure that the defendant has adequate time and the continued assistance of counsel to investigate, research and prepare appropriate pretrial motions. SO ORDERED.

Marian W. Payson
Marian W. Payson, U.S.M.J., June 28, 2022